

Fact Sheet - Waivers from Payment of Maintenance Fees

A. To file for a waiver you must:

1. File in the BLM State Office where the mining claims and sites are recorded. Do not file in the BLM or Forest Service Field Offices. In Alaska, filings may also be made in the Northern Field Office in Fairbanks.
2. File on or before September 1, 1999, and each September 1st thereafter.

B. To qualify for the Small Miner's waiver you must meet the following requirements:

1. You must own, or have an interest in, no more than ten lode claims, placer claims, mill sites, or tunnel sites; or any combination of the above in the United States. Oil shale placer mining claims subject to the annual rental fee under the Energy Policy Act of 1992 are not counted as part of the 10 claim limit.
2. The waiver may be applied to all lode claims, placer claims, mill sites, and tunnel sites held; even though mill sites and tunnel sites do not require assessment work.

C. Information required to complete the Small Miner's waiver certificate:

1. BLM has provided a form for you to use for this purpose. The form contains all of the required information for you to fill in and contains the mandatory statements you need to make to qualify for the waiver (BLM form 3830-2, Maintenance Fee Waiver Certification). You do not have to use this form, but it is highly recommended that you do so.
2. Fill in assessment year dates on top of waiver form.
3. List claim and site names and BLM serial numbers for all lode and placer claims and mill and tunnel sites being waived.
4. List the names and addresses of all current owners of the lode claims, placer claims, mill sites and tunnel sites being waived.
5. All owners must sign the waiver document with original signatures (no copies).
6. An agent may file on behalf of the owners. However, the agent must file a statement with BLM, signed and notarized by all of the owners, that designates the agent and allows him/her to file on behalf of the owners.

D. Other Related Items for Small Miner Waivers

1. For ownership requirements, a husband, his wife, and all children under legal age are all counted together toward the ten claim/site limit.
2. All transfers of interest concerning ownership changes must be recorded in the proper BLM State Office on or before the date you file for the waiver.

E. Other Waivers Available

1. Waivers may also be requested for mining claims and sites undergoing mine closure and final reclamation; and for claims or sites to which legal access has been denied by the United States.
2. The 10 claim or site limit does not apply to reclamation or denial of access waivers.
3. Proof of mine closure and final reclamation proceedings; or of the denial of access by an agency of the United States is required. See the regulations for further information.

F. Required Annual Filings

- A. If you file for a waiver of any kind, except under the provisions of the Soldier's and Sailor's Relief Act, you must file either a notice of intent to hold or an affidavit of labor by the December 30th immediately following the September 1st waiver filing.
- B. If you locate a mining claim in one assessment year and timely record it with BLM in the next assessment year, a Small Miner waiver for the second assessment year must be filed at the time of recording or the second year's \$100 maintenance fee must be paid instead.
- C. If you request a Small Miner waiver for the second assessment year of your location (the assessment year you locate in is exempt from the performance of assessment work), you must file a notice of intent to hold citing that under 30 U.S.C. 28, your obligation to perform assessment work has not yet accrued.
- D. For all assessment years beginning with the second assessment year of your location, assessment work must be performed and the affidavit recorded with BLM no later than the December 30th immediately following the close of the assessment year in which the work was performed.
- E. Switching from a Small Miner waiver to payment of maintenance fees from one year to the next, or the reverse; does not relieve you from making the required filing of an affidavit of assessment work or notice of intent to hold that would otherwise be required if you had not made the switch.

G. Defective Small Miner Waivers.

- A. If your waiver is timely filed but is determined to be defective and cannot be accepted, BLM will notify you by written decision of this fact and specify the matters to be corrected or verified.
- B. If you do not correct the problems identified by BLM within 60 days from the date of receipt of the BLM decision, the law requires that the claims and sites must be forfeited.
- C. If you cannot correct the problem(s), within the 60 day period, you may pay the maintenance fee of \$100 per claim or site that was due the previous September 1st to save the mining claims and/or sites from forfeiture.